(23)

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr. M. P. No. 179/2007

PETITIONER Ram Nihore Jaiswal, aged about 32 years, r/o Gullidand, P.S. Bijuri, Tahsil Kotma, Distt. Shahdol (M.P)

Versus

RESOPONDENT Smt. Saroj Bai, w/o Ram Nihore Jaiswal, aged about 28 years, s/o Jamgahna, P.S. Patna, Tahsil Baikunthpur, Distt. Korea (C.G)

Appearance:

Shri D.N.Prajapati, counsel for the applicant.

ORAL ORDER
(04.07.2007)

SUNIL KUMAR SINHA, J.

(1) Heard on admission.

(2) This petition is directed against the order dated 20.4.2007 passed in Criminal Revision No.65/2007 by the Sessions Judge, Korea (Baikunthpur) whereby the said Court dismissed the revision filed by the petitioner against the order dated 17.8.2006, passed by the Chief Judicial Magistrate, Baikunthpur, in Misc. Criminal Case No.18/1999 whereby the said Court awarded the amount of monthly maintenance in tune of Rs.200/- from the date of application till 27.7.2006 and thereafter @ Rs.300/- p.m. from the date of order.

(3) The brief facts are that the respondent has filed an application u/s 125 of the Code of Criminal Procedure for grant of monthly maintenance against the petitioner alleging that she was legally wedded wife of the petitioner and while she was residing in the house of the petitioner, she was being treated with cruelty by the petitioner and his family members, which

(24)

constrained her to reside separately. She also pleaded that she was unable to maintain herself, therefore, the monthly maintenance should be awarded to her. The petitioner denied the relation and he also denied the allegations pertaining to cruelty.

(4) The trial Court, after recording evidence of the parties, came to conclusion that the respondent was a legally wedded wife of the petitioner, she was also being treated with cruelty and she was entitled to receive the amount maintenance as above. The aforesaid order, passed by the trial Court was challenged in Criminal Revision before the Revisional Court but the revisional Court dismissed the revision and confirmed the order passed by the trial Court.

(5) Learned counsel for the applicant argues that the findings recorded by the courts below were not in accordance with law.

(6) I have gone through the orders passed by the two courts below.

(7) It is apparent that both the parties had examined many witnesses in support of their contentions before the trial Court. The respondent had examined herself as A.W.1 and she had also examined Amrit Lal as A.W.2 and Basmati Ram & Ramanuj as A.W.3 & A.W.4 . In rebuttal, the applicant examined himself as N.A.W.1.

(8) The trial Court appreciated the evidence of parties vide Para 5 onwards and came to conclusion that the respondent was legally wedded wife of the petitioner and she was being treated with cruelty, therefore, she was constrained to reside separately and claim amount of maintenance, and after recording such findings the aforesaid amount was awarded. I do not find any infirmity in the orders passed by the two Courts below warranting interference u/s 482 Cr.P.C. This revision has no merits and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

Rao